

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHELE HERNANDEZ,

Plaintiff,

- against -

THE CITY OF NEW YORK et al.,

Defendants.

JOHN G. KOELTL, District Judge:

16 Civ. 9662 (JGK)

MEMORANDUM OPINION AND
ORDER

USDC SDNY
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DATE FILED: SEPT. 3, 2018

At the hearing held on May 25, 2018, pursuant to a lengthy oral decision, the Court granted the defendants' motion to dismiss the plaintiff's Complaint and dismissed all of the plaintiff's claims without prejudice to the ability of the plaintiff to file an amended complaint. The Court granted the plaintiff the opportunity to file an amended complaint on or before June 15, 2018. The plaintiff failed to file an amended complaint by that time and did not seek an extension of time. On July 25, 2018, the Court issued an order that stated that "if the plaintiff does not file a Second Amended Complaint by August 7, 2018, her complaint will be dismissed with prejudice." (Dkt. No. 72.) The plaintiff has failed to file such an amended complaint and has not sought any extension of time to do so. By letter dated August 30, 2018, the defendants request that the plaintiff's Complaint be dismissed with prejudice. (Dkt. No. 73.)

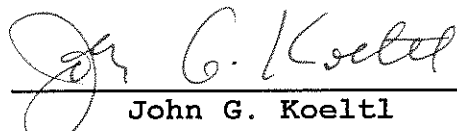
The defendants' application to dismiss the plaintiff's Complaint with prejudice is **granted** for the reasons stated in this

Court's May 25, 2018, decision, as well as in view of the plaintiff's failure to correct the deficiencies in the plaintiff's Complaint despite given the opportunity to do so and the explicit warning that the Complaint would be dismissed with prejudice if the deficiencies were not corrected. See, e.g., Alarcon v. 83rd Precinct, No. 09cv5634, 2010 WL 843860, at *1 (E.D.N.Y. Mar. 9, 2010) ("The Court warned Plaintiff that the failure to [timely] submit an Amended Complaint . . . w[ould] result in the dismissal of the Complaint with prejudice"; because the plaintiff "has not filed an Amended Complaint or otherwise communicated with the Court[,]" "the Complaint is dismissed with prejudice.").

The Clerk is directed to enter judgment dismissing the Complaint with prejudice. The Clerk is also directed to close this case and close any pending motions.

SO ORDERED.

**Dated: New York, New York
September 3, 2018**



**John G. Koeltl
United States District Judge**